

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TENNESSEE STATE CONFERENCE OF THE  
N.A.A.C.P., et al.,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as  
Secretary of State of the State of Tennessee, et  
al.,

Defendants.

Civil No. 3:19-cv-365  
Hon. Aleta A. Trauger

**PLAINTIFFS' MOTION FOR PERMISSION TO FILE TIME ENTRIES UNDER SEAL**

As the representatives of the prevailing parties in this litigation, undersigned counsel Hogan Lovells US LLP, Lawyers' Committee for Civil Rights Under Law, Burch, Porter & Johnson, PLLC, and Bromberg Law PLLC (collectively, "Plaintiffs' Counsel"), have contemporaneously moved for an award of attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988. The Motion for Attorneys' Fees, Costs, and Expenses is supported by a memorandum of law, affidavits from counsel of record, affidavits from a member of the legal community, and details of the time spent and hourly rate sought for each phase of the case.

These supporting documents satisfy Local Rule 54.01(c), which requires a memorandum brief, an explanation of why the plaintiff is the prevailing party, and "an affidavit of counsel setting out in detail the number of hours spent on each aspect of the case, the rate customarily charged by counsel for such work, the prevailing rate charged in the community for similar services, and any other factors which the Court should consider in making the award." In order

to assist the Court and comply with Judge Trauger's Practice and Procedure Manual at V-T, however, Plaintiffs' Counsel seek to provide more detailed billing information in the form of individual time entries that support the fees sought.

Because many entries contain material protected under both the attorney-client privilege and the attorney work product doctrine, Plaintiffs' Counsel respectfully move the Court for permission to file the time records under seal. *See, e.g., U.S. v. Petters*, Civil No. 08-5348 ADM/JSM, 2009 WL 2849523, \*2 & n.4 (D. Minn. Sept. 1, 2009) ("To safeguard the attorney-client privilege . . . the Court has required itemized invoices for professional services to be submitted in camera."); *Rocheux Int'l of N.J. v. U.S. Merchs. Fin. Grp., Inc.*, Civ. No. 066147, 2009 WL 3246837, at \*5 (D.N.J. Oct. 5, 2009) (requiring the party seeking fees to submit "for the Court's *in camera* review descriptive time entries from its billing records"); *Matthews v. Baumhaft*, No. 06-11618, 2008 WL 2224126, at \*1 (E.D. Mich. May 29, 2008) (holding that billing statements were "properly" presented to the magistrate judge in camera, thereby affording the party seeking fees "appropriate protection"); *Educ. Credit Mgmt. Corp. v. Cent. Equip. Co.*, 477 F. Supp. 2d 788, 791 (E.D. Ky. 2007) (noting that the court had granted the party seeking fee's motion to file the billing statements under seal); *Conner v. Salina Reg'l Health Ctr, Inc.*, No. CIV. A. 99-2451-CM, 2000 WL 1754024, at \*1 (D. Kan. Nov. 22, 2000) (granting, in a case brought under § 1983, the prevailing party's motion to place the attorney's time entries under seal); *see also Ross v. Abercrombie & Fitch Co.*, No. 2:05-cv-0819, 2008 WL 728329, at \*5 (S.D. Ohio March 14, 2008) (acknowledging the likelihood that "production of the entirety of the billing statements will create attorney-client privilege issues"). Consistent with Local Rule 5.03, Counsel affirms that redaction of these billing records is impracticable.

Accordingly, Plaintiffs' Counsel respectfully seek permission to file the following time entries, which are exhibited to the relevant attorney's declaration, under seal:

- Exhibit A to the Declaration of Allison Holt Ryan
- Exhibit A to the Declaration of Ezra Rosenberg
- Exhibit A to the Declaration of Taylor Cates
- Exhibit A to the Declaration of Yael Bromberg

Dated: December 21, 2020

Respectfully submitted,

/s/ Taylor Cates

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 21, 2020 a copy of the foregoing  
Plaintiffs' Motion for Permission to File Time Entries under Seal has been served via the Court's  
CM/ECF electronic case filing system to:

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21st day of December, 2020.

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